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Attorney for Claimant  
MELISSA ARCHAMBAULT

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$23,120.00 IN U.S. CURRENCY,

ONE 2007 CHEVROLET AVALANCHE  
TRUCK, CA LICENSE NO. 8E38789,  
VIN 3GNEC12J17G138443, ITS TOOLS  
AND APPURTENANCES,

ONE 2003 AUDI QUATTRO SEDAN,  
CA LICENSE NO. 5LKB440,  
VIN WAULC68E73A197008, ITS TOOLS  
AND APPURTENANCES,

\$1,200.00 IN U.S. CURRENCY,

Defendants.

Case No. 08-CV-0074(IEG)NLS

**ANSWER TO COMPLAINT  
FOR FORFEITURE**

COMES NOW the Claimant, MELISSA ARCHAMBAULT, and in answer to Plaintiff's  
Complaint for Forfeiture, hereby responds, alleges, and otherwise pleads as follows:

1. Claimant denies each and every allegation set forth in Paragraph 1. of the  
Complaint for Forfeiture in the conjunctive as well as the disjunctive.

2. Claimant denies each and every allegation set forth in Paragraph 2. of the  
Complaint for Forfeiture in the conjunctive as well as the disjunctive.

3. Answering Paragraph 3. of the Complaint, Claimant has no information or belief

1 sufficient to enable her to answer the allegations contained therein, and basing her denial on that  
2 ground, denies each and every allegation contained therein in the conjunctive as well as the  
3 disjunctive.

4 4. Answering Paragraph 4. of the Complaint, Claimant hereby incorporates her  
5 responses to Paragraphs 1-3 herein as if fully repeated herein.

6 5. Claimant denies each and every allegation set forth in Paragraph 5. of the  
7 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

8 6. Claimant denies each and every allegation set forth in Paragraph 6. of the  
9 Complaint for Forfeiture in the conjunctive as well as the disjunctive..

10 7. Claimant denies each and every allegation set forth in Paragraph 7. of the  
11 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

12 8. Answering Paragraph 8. of the Complaint, Claimant has no information or belief  
13 sufficient to enable her to answer the allegations contained therein, and basing her denial on that  
14 ground, denies each and every allegation contained therein in the conjunctive as well as the  
15 disjunctive.

16 9. Answering Paragraph 9. of the Complaint, Claimant hereby incorporates her  
17 responses to Paragraphs 1-8 herein as if fully repeated herein.

18 10. Claimant denies each and every allegation set forth in Paragraph 10. of the  
19 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

20 11. Claimant denies each and every allegation set forth in Paragraph 11. of the  
21 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

22 12. Claimant denies each and every allegation set forth in Paragraph 12. of the  
23 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

24 13. Answering Paragraph 13. of the Complaint, Claimant has no information or belief  
25 sufficient to enable her to answer the allegations contained therein, and basing her denial on that  
26 ground, denies each and every allegation contained therein in the conjunctive as well as the  
27 disjunctive.

28 14. Answering Paragraph 14. of the Complaint, Claimant has no information or belief

1 sufficient to enable her to answer the allegations contained therein, and basing her denial on that  
2 ground, denies each and every allegation contained therein in the conjunctive as well as the  
3 disjunctive.

4 15. Answering Paragraph 15. of the Complaint, Claimant hereby incorporates her  
5 responses to Paragraphs 1-14 herein as if fully repeated herein

6 16. Claimant denies each and every allegation set forth in Paragraph 16. of the  
7 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

8 17. Claimant denies each and every allegation set forth in Paragraph 17. of the  
9 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

10 18. Claimant denies each and every allegation set forth in Paragraph 18. of the  
11 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

12 19. Claimant denies each and every allegation set forth in Paragraph 19. of the  
13 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

14 20. Answering Paragraph 20. of the Complaint, Claimant has no information or belief  
15 sufficient to enable her to answer the allegations contained therein, and basing her denial on that  
16 ground, denies each and every allegation contained therein in the conjunctive as well as the  
17 disjunctive.

18 21. Answering Paragraph 21. of the Complaint, Claimant has no information or belief  
19 sufficient to enable her to answer the allegations contained therein, and basing her denial on that  
20 ground, denies each and every allegation contained therein in the conjunctive as well as the  
21 disjunctive.

22 22. Answering Paragraph 4. of the Complaint, Claimant hereby incorporates her  
23 responses to Paragraphs 1-22 herein as if fully repeated herein.

24 23. Claimant denies each and every allegation set forth in Paragraph 23. of the  
25 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

26 24. Claimant denies each and every allegation set forth in Paragraph 24. of the  
27 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

28 25. Claimant denies each and every allegation set forth in Paragraph 25. of the

1 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

2 26. Answering Paragraph 26. of the Complaint, Claimant has no information or belief  
3 sufficient to enable her to answer the allegations contained therein, and basing her denial on that  
4 ground, denies each and every allegation contained therein in the conjunctive as well as the  
5 disjunctive.

6 **AFFIRMATIVE DEFENSE(S)**

7 **FIRST AFFIRMATIVE DEFENSE**

8 For a further and separate answer to the Complaint, Claimant alleges the subject  
9 Complaint as pled fails to state facts sufficient to constitute a cause of action against the  
10 defendant property.

11 **SECOND AFFIRMATIVE DEFENSE**

12 For a further and separate answer to the Complaint, Claimant alleges plaintiff lacked  
13 probable cause for the institution of the forfeiture action.

14 **THIRD AFFIRMATIVE DEFENSE**

15 For a further and separate answer to the Complaint, Claimant alleges that the forfeiture  
16 in ther case is disproportionate, and is a violation of the Eighth Amendment to the United States  
17 Constitution.

18 **FOURTH AFFIRMATIVE DEFENSE**

19 For a further and separate answer to the Complaint, Claimant alleges that the searches  
20 which led to the seizure of the defendant currency and vehicles violated the Fourth Amendment  
21 to the United States Constitution.

- 22 1. That the Complaint be dismissed with prejudice;  
23 2. That the subject property be returned to Claimant;

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25 ///

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4. For such other and further relief as the Court may deem just.

/s/ Richard M. Barnett  
 RICHARD M. BARNETT, ESQ.  
 rmb-atty@pacbell.net

Attorney for Claimant  
MELISSA ARCHAMBAULT

**CERTIFICATE OF SERVICE**

I, RICHARD M. BARNETT, do hereby state:

That I am a citizen of the United States, over the age of eighteen years, and not a party to the within action.

That my business address is 105 West F Street, 4th Floor, San Diego, California.

That on March 3, 2008, I have caused service of Answer to Complaint for Forfeiture on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies said party:

1. David McNees, Special Assistant U.S. Attorney, Attorney for Plaintiff.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 3rd day of March, 2008, at San Diego, California.

/s/ Richard M. Barnett  
RICHARD M. BARNETT